IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5643 OF 2005.

Balasaheb Thackeray & others. ... Applicants.
Versus.
Chhagan Bhujbal and others. ... Respondents

Shri Rajendra Shirodkar for the Applicants.

Shri Nandu Pawar with Shri Manesh Bansal i/by M/s./Law Loyals for the Respondent No.1.

Shri S.V.More, A.P.P. for the State.

CORAM : ABHAY S.OKA, J.

DATED : 21st December, 2006.

P.C.:

1. Heard the learned Advocates appearing for the Applicants and the 1st Respondent. The prayer made in this Application is for transfer of a criminal complaint filed by the 1st Respondent against the Applicants in the Court of the Chief Judicial Magistrate, Nashik alleging commission of offence under sections 499, 500 read with section 34 of the Indian Panal Code. The application for transfer is basically made on the ground that the first Applicant whose present age is disclosed as 79 years is provided with Z-plus security by the State Government. It is stated that Z-plus security is given to those who have received threats to life. It is stated that whenever the first Applicant is required to undertake travelling, the entire security force has to travel with him. Hence it is very difficult for him to

attend the Court at Nashik for hearing of the complaint filed by the 1st Respondent. The first Applicant is a permanent resident of Mumbai. The second ground is that the 2nd Applicant being a member of the Rajya Sabha is required to very often visit New Delhi and he is also holding the post of an Executive Editor of a Marathi daily which is published from Mumbai. The third ground is that now even the 1st Respondent is a permanent resident of Mumbai and therefore, for him it will be convenient, if the complaint is transferred to an appropriate Court in Mumbai.

2. The learned Advocate for the 1st Respondent states that he has instructions not to oppose the prayer for transfer made in this Application.

3. Considering the statement made by the learned Advocate appearing for the 1st Respondent and the grounds set out in the Application and especially the ground set out in paragraph 1 of the Application, a case is made out for passing an order of transfer.

4. Hence the following order is passed:

i) Criminal Case No.808 of 1997 is hereby transferred from the Court of the learned Chief Judicial Magistrate, Nashik to the

Court of the Chief Metropolitan Magistrate, Mumbai. The learned Chief Metropolitan Magistrate, Mumbai, may himself take up the matter or may assign it to any other Court considering his administrative convenience.

ii) Liberty to the parties to apply to the concerned Court for expeditious hearing of the case.

iii) Notice of the date fixed in the transferee Court be given to all the parties.

Judge.